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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/590,843	09/11/2006	Karl Lenhardt	14461	1435
Orum & Roth 53 W Jackson Blvd Suite 1616 Chicago, IL 60604		7590 09/15/2009	EXAMINER SCHATZ, CHRISTOPHER T	
			ART UNIT 1791	PAPER NUMBER
			MAIL DATE 09/15/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/590,843

Applicant(s)

LENHARDT, KARL

Examiner

CHRISTOPHER SCHATZ

Art Unit

1791

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/5506)
- Paper No(s)/Mail Date 8/24/06
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because the abstract is more than 150 words. Correction is required. See MPEP § 608.01(b).

Claim Objections

1. Claim 45 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim must refer back to the preceding claims in the alternative only. See MPEP § 608.01(n). Accordingly, the claim has not been further treated on the merits.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
2. Claims 1-50 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claim 1 recites the limitations "providing a belt at the lower edge" and "each of the upright edges of the glass sheet arrangement" in lines 5-7. There is insufficient antecedent basis for these limitations in the claim. It is recommended that the applicant amend line 4 of the claim as follows: "vertical or inclined position so that they are

positioned one opposite to the other, to form a glass sheet arrangement having a bottom edge and two upright edges." Line 5 should be amended to recite "forming a chamber that encloses ~~the~~ a space".

4. Claims 3-5 all recite "the lower edge". There is insufficient antecedent basis for this limitation in each of the above cited claims. Amending claim 1 as discussed above will provide proper antecedent basis for said limitation.

5. Line 6 of claim 2 should be amended as follows: "that the glass sheets)". Line 7 of claim 2 should be amended to recite "the belt in an upright position". In line 9, "he" should be replaced with "the". Line 11 should be amended as follows: "at least one of the seals ~~before~~ in front of the glass seal arrangement".

6. In claim 5, "(40a)" should be removed.

7. Claims 14, 16, 21, 23 and 28 all recite "the upper run of the belt". There is insufficient antecedent basis for this limitation in each of the above cited claims. All of the claims are dependent upon claim 2 and amending claim 2 to require that the belt has an upper run will provide proper antecedent basis for the limitation in each of the claims.

8. As to claim 21, the term "preferably" is indefinite because it is not clear if the axis is to lie below or above the upper run of the belt. Additionally, "lie" should be replaced with "lies" in the claim.

9. In line 1 of claim 22, the "in" before "initial" should be removed.

10. As to claim 24, the applicant fails recite the unit of measurement for the claimed temperature. Additionally, the claim requires that the temperature be "especially 96°." It

is unclear to the examiner if the term especially requires that the temperature be 96°. It is recommended that the applicant remove “especially 96°” from the claim as it unclear if the applicant further limits the recited range.

As to claim 26, the claim should be amended as follows: “glass sheet pairs are arranged in V form and in pairs one opposite the other, wherein said glass sheet pairs are initially already outside of the space defined by the plates and are subsequently transferred into the space between the plates in ~~that~~ said arrangement form.”

As to claim 29, line 5 recites “the lower edge” and line 6 recites “the upper run”. There is insufficient antecedent basis for these limitations. Lines 3-7 should be amended as follows: “comprising two plates, each plate having a lower edge and a bottom surface, wherein said plates ~~that~~ can be varied with respect to their relative spacing, comprising a horizontal conveyor, which uses a belt as a conveying element, arranged near the lower edge of the plates, comprising at least two seals which extend from ~~the~~ an upper run of the belt to a point located above the belt ~~and~~”.

11. Claims 39, 40, 44 and 48 all recite “the upper run of the belt”. There is insufficient antecedent basis for this limitation in each of the above cited claims. All of the claims are dependent upon claim 29 and amending claim 29 to require that the belt has an upper run will over the rejection of claims 39, 40, 44 and 48.

12. Claims 36 and 37 both “the exit openings”. There is insufficient antecedent basis for this limitation in each of the claims.

13. Claim 37 recites the limitation “the front surface”. There is insufficient antecedent basis for this limitation in the claim.

14. Claim 39 recites that "especially with the stationary plate." There is insufficient antecedent basis for the term "the stationary plate" limitation in the claim. Additionally, use of the term especially renders the claim unclear because it is not clear if the claim limits the plate to the stationary plate. See discussion of claim 24 above

15. In claim 43, line 4, it is not clear to which surface the applicant is referring. In the last line, "in downward" should be replaced "in a downward".

16. Claim 47 should be amended as follows: wherein the strips have a ~~carry at their~~ lower end carrying a brush with".

17. Claim 48 recites the limitation "one of the ends". There is insufficient antecedent basis for this limitation in the claim.

Allowable Subject Matter

18. Claims 1-50 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The closest prior is Lisec (US 5676782, cited in IDS). Lisec discloses a method and device for assembly insulating glass panes. With respect to claim 1, Lisec discloses all of the limitations of the claim with the exception of the limitation requiring: "wherein one of the two glass sheets is held at a spacing from the belt during introduction of the gas different from air and that the gas different from air is introduced into the chamber through a gap between the belt and the lower edge of said one glass sheet while the

latter is kept in spaced arrangement." Nothing in the prior art discloses such a requirement nor does any prior art provide any disclosure that would motivate one of ordinary skill in the art to modify the method of Lisec in order to make up for the deficiencies of Lisec's disclosure. As to claim 29, the reference fails to disclose a device wherein "means are provided for supplying the gas different from air through the gap between the belt and the lower edge of the glass sheet held in the spaced position."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTOPHER SCHATZ whose telephone number is 571-272-6038. The examiner can normally be reached on Monday through Friday 9 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CHRISTOPHER SCHATZ/
Examiner, Art Unit 1791

/Justin R Fischer/
Primary Examiner, Art Unit 1791